

AMENDED IN ASSEMBLY AUGUST 20, 2012

AMENDED IN SENATE MAY 25, 2012

AMENDED IN SENATE APRIL 19, 2012

**SENATE BILL**

**No. 1053**

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**Introduced by Senators Steinberg and Alquist**

**(Principal coauthors: Senators De León, Liu, Pavley, and Yee)**

(Principal coauthors: Assembly Members Blumenfield and Solorio)

February 8, 2012

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An act to add Section 66408 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1053, as amended, Steinberg. Public postsecondary education: California Digital Open Source Library.

The Donahoe Higher Education Act authorizes the activities of the 4 segments of the postsecondary education system in the state. These segments include the 3 public postsecondary segments: the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges. Private and independent postsecondary educational institutions constitute the other segment.

Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act, by resolution, to make them applicable.

Existing law urges textbook publishers to take specified actions aimed at reducing the amounts that students pay for textbooks, including

providing to faculty and departments considering textbook orders a list of all the different products the publisher sells. Existing law requires the Trustees of the California State University and the Board of Governors of the California Community Colleges, and requests the Regents of the University of California, to take specific actions with their respective academic senates, college and university bookstores, and faculty to promote the selection of textbooks that will result in cost savings to students.

This bill would express legislative findings and declarations relating to the cost of college and university textbooks. The bill would add provisions to the Donahoe Higher Education Act to establish the California Digital Open Source Library, under the administration of the California State University, in coordination with the California Community Colleges, for the purpose of housing open source materials while providing an Internet Web-based way for students, faculty, and staff to easily find, adopt, utilize, or modify course materials for little or no cost. The bill would provide that the California State University would also act in coordination with the University of California in administering the California Digital Open Source Library if the regents act, by appropriate resolution, to authorize the university to participate in the administration of the library.

The bill would require that the materials in the library bear a creative commons attribution license that allows others to use, distribute, and create derivative works based upon the digital material while still allowing the authors or creators of the material to receive credit for their efforts.

The bill would provide that the provisions added to the Donahoe Higher Education Act by the bill would become operative only if sufficient funding for the purposes of this bill is provided in an appropriation in the annual Budget Act or another statute, or through federal or private funds, or through a combination of state, federal, and private funds.

The bill would become operative only if SB 1052 becomes operative on or before January 1, 2013, and establishes the California Open Education Resources Council.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3     (1) The cost of attending California's public colleges and  
4 universities has skyrocketed in recent years. While fees often tend  
5 to be the most visible cost, other costs not related to tuition, such  
6 as the cost of textbooks, significantly burden both students and  
7 their families.

8     (2) For example, the average annual student budget for textbooks  
9 at California's community colleges can be almost 150 percent of  
10 the cost of tuition. Recent studies show that, due to the cost of  
11 textbooks, many students forgo purchasing them altogether. For  
12 many students receiving the Cal Grant B stipend intended for books  
13 and other living expenses, such as transportation, rent, and food,  
14 their entire stipend may be spent on textbooks alone.

15     (3) With open education resources (OER), California can offer  
16 students ~~in the 50 most widely taken~~ *strategically selected* lower  
17 division courses the highest quality textbooks and related materials  
18 at no cost online or for about \$20 per textbook in hardcopy.

19     (4) OER will bring California's college and university  
20 experience into the 21st century while providing students and their  
21 families with sorely needed financial relief and providing faculty  
22 more flexible and dynamic tools to enhance student success.

23     (5) As the state moves towards OER, students and families can  
24 be provided immediate relief with more access to textbooks  
25 available on reserve at campus libraries.

26     (b) It is, therefore, the intent of the Legislature to create the  
27 California Digital Open Source Library to serve as a statewide  
28 repository for high-quality digital open source textbooks and related  
29 materials.

30     SEC. 2. Section 66408 is added to the Education Code, to read:

31     66408. (a) The California Digital Open Source Library is  
32 hereby established, and shall be administered by the California  
33 State University, in coordination with the California Community  
34 Colleges, for the purpose of housing open source materials while  
35 providing an Internet Web-based way for students, faculty, and  
36 staff to easily find, adopt, utilize, or modify course materials for  
37 little or no cost. The California State University shall also act in  
38 coordination with the University of California in administering

1 the California Digital Open Source Library if the regents act, by  
2 appropriate resolution, to authorize the university to participate in  
3 the administration of the library.

4 (b) All material in the California Digital Open Source Library  
5 shall bear a creative commons attribution license that allows others  
6 to use, distribute, and create derivative works based upon the digital  
7 material while still allowing the authors or creators of the material  
8 to receive credit for their efforts.

9 (c) It is the intent of the Legislature that the public postsecondary  
10 educational segments ~~provide incentives to~~ assist and support  
11 faculty in choosing lower cost, *more flexible, and dynamic*  
12 alternatives such as open source textbooks and related teaching  
13 tools. *Nothing in this section shall be construed to mandate faculty*  
14 *use of any particular textbook or related materials.*

15 SEC. 3. Sections 1 and 2 of this act shall become operative  
16 only if ~~sufficient~~ funding for the purposes of this act is provided  
17 in an appropriation in the annual Budget Act or another statute, or  
18 through federal or private funds, or through a combination of state,  
19 federal, and private funds.

20 SEC. 4. This act shall become operative only if Senate Bill  
21 1052 of the 2011–12 Regular Session becomes operative on or  
22 before January 1, 2013, and establishes the California Open  
23 Education Resources Council.